

USDC SDNY
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TERRANCE ALTON COX III and
DIVERSITY MOTORSPORTS RACING, LLC,

Plaintiffs,

Index No. 16-cv-07268-LGS/

-against-

NATIONAL ASSOCIATION FOR STOCK CAR RACING, INC.,
INTERNATIONAL SPEEDWAY CORPORATION,
RICHARD PETTY MOTORSPORTS, RICHARD CHILDRESS RACING,
TEAM PENSKE, HENDRICK MOTORSPORTS,
ROUSH FENWAY RACING, CHIP GANASSI RACING,
JOE GIBBS RACING, STEWART HASS RACING,
FURNITURE ROW RACING, FRONT ROW MOTORSPORTS,
JTG DAUGHERTY RACING, TOMMY BALDWIN RACING,
GERMAIN RACING, GO FAS RACING, BK RACING,
PREMIUM MOTORSPORTS, CIRCLE SPORT RACING, and
HSCOTT MOTORSPORTS,

STIPULATION AND
PROPOSED ORDER

Defendants.
----- X

IT IS STIPULATED AND AGREEED, by and among the parties, through their respective counsel, subject to approval of the Court, that:

1. The above-captioned action, at the request of Counsel for Plaintiffs, shall be dismissed without prejudice and with the understanding and consent of Counsel for all Defendants that the Complaint herein, revised as required by this Stipulation, the laws of the State of North Carolina, and the Federal and Local Rules of the United States District Court for Western District of North Carolina ("USDC, WDNC") (the "Revised Complaint"), shall be refiled in the USDC, WDNC, within 60 days following the date of dismissal without prejudice (the "North Carolina Action");

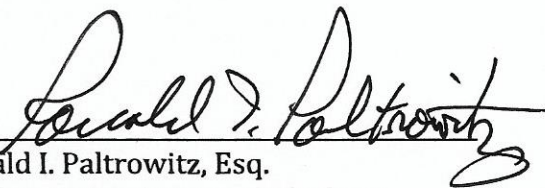
named Defendant in the Revised Complaint. ISC, through counsel, will accept service of discovery requests directed to it in the newly-filed North Carolina Action, and will respond to the requests on a timely basis, reserving its rights to object on grounds other than service;

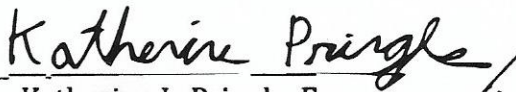
3. All named Defendants in the North Carolina Action will waive service of process pursuant to Fed. R. Civ. P. 4(d) and will accept service by mail or email on their counsel, as named below; and

4. Counsel may sign and scan counterparts of this Stipulation and Proposed Order and each scanned counterpart shall be deemed an original but all scanned counterparts, taken together, shall be deemed one (1) Stipulation and Proposed Order.

LAW OFFICES OF RONALD I. PALTROWITZ

FRIEDMAN KAPLAN SEILER & ADELMAN LLP

By: 
Ronald I. Paltrowitz, Esq.
405 Lexington Avenue, 26th Floor
New York, New York 10174
(917) 822-2881

By:  / *L.A.V.*
Katherine L. Pringle, Esq.
7 Times Square
New York, New York 10036
(212) 833-1100

Attorneys for Plaintiffs Terrance Alton
Cox III and Diversity Motorsports Racing
Racing, LLC

Attorneys for Defendants BK Racing, Inc.,
Circle Sport, LLC, Front Row Motorsports,
Inc., Germain Racing, LLC, HSJR
Performance II, LLC (HScott Motorsports),
Joe Gibbs Racing, Inc., JTG (Daugherty)
Racing, Inc., Penske Racing South, Inc. (Team
Penske), RCR Race Operations, LLC (Richard
Childress Racing), Roush Fenway Racing,
LLC, RPAC Racing, LLC (Richard Petty
Motorsports), Stewart Haas Racing, LLC,
and Tommy Baldwin Racing, LLC.

SO ORDERED. The Clerk of
Court is respectfully directed to
cancel the initial pretrial
conference currently scheduled
for December 8, 2016, and to
close this case.

Dated: November 28, 2016
New York, New York

SO ORDERED


HON. LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

By: 

Alexander S. Lorenzo, Esq.
90 Park Avenue
New York, New York 10016
(212) 210-9400

Attorneys for NASCAR and ISC

CULLEN AND DYKMAN LLP

By: _____

James G. Ryan, Esq.
100 Quentin Roosevelt Boulevard
Garden City, New York 11530
(516) 357-3750

Attorneys for Chip Ganassi Racing and
Hendrick Motorsports

SO ORDERED:

Lorna G. Schofield, U.S.D.J.

By: _____

David R. Ordway, Esq.
199 Main Street
PO Box 1179
Saco, Maine 04072
(207) 282-1527
Attorney for Go Fas Racing

Devore, Acton & Stafford PA

By: _____

Troy J. Stafford, Esq.
438 Queens Road
Charlotte, North Carolina 28207
(704) 377-5242

Attorneys for Premium Motorsports LLC

By: _____
Alexander S. Lorenzo, Esq.
90 Park Avenue
New York, New York 10016
(212) 210-9400

Attorneys for NASCAR and ISC

CULLEN AND DYKMAN LLP

By: _____
James G. Ryan, Esq.
100 Quentin Roosevelt Boulevard
Garden City, New York 11530
(516) 357-3750

Attorneys for Chip Ganassi Racing and
Hendrick Motorsports

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Lorna G. Schofield, U.S.D.J.

By: _____
David R. Ordway, Esq.
199 Main Street
PO Box 1179
Saco, Maine 04072
(207) 282-1527
Attorney for Go Green Racing, Inc., d/b/a
Go Fas Racing

Devore, Acton & Stafford PA

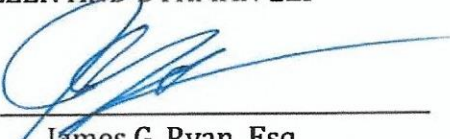
By: _____
Troy J. Stafford, Esq.
438 Queens Road
Charlotte, North Carolina 28207
(704) 377-5242

Attorneys for Premium Motorsports LLC

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Alexander S. Lorenzo, Esq.
90 Park Avenue
New York, New York 10016
(212) 210-9400

Attorneys for NASCAR and ISC

CULLEN AND DYKMAN LLP

By:  _____
James G. Ryan, Esq.
100 Quentin Roosevelt Boulevard
Garden City, New York 11530
(516) 357-3750

Attorneys for Chip Ganassi Racing and
Hendrick Motorsports

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Lorna G. Schofield, U.S.D.J.

By: _____
David R. Ordway, Esq.
199 Main Street
PO Box 1179
Saco, Maine 04072
(207) 282-1527
Attorney for Go Fas Racing

Devore, Acton & Stafford PA

By: _____
Troy J. Stafford, Esq.
438 Queens Road
Charlotte, North Carolina 28207
(704) 377-5242

Attorneys for Premium Motorsports LLC

By: _____
Alexander S. Lorenzo, Esq.
90 Park Avenue
New York, New York 10016
(212) 210-9400

Attorneys for NASCAR and ISC

CULLEN AND DYKMAN LLP

By: _____
James G. Ryan, Esq.
100 Quentin Roosevelt Boulevard
Garden City, New York 11530
(516) 357-3750

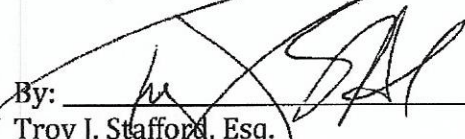
Attorneys for Chip Ganassi Racing and
Hendrick Motorsports

SO ORDERED:

Lorna G. Schofield, U.S.D.J.

By: _____
David R. Ordway, Esq.
199 Main Street
PO Box 1179
Saco, Maine 04072
(207) 282-1527
Attorney for Go Fas Racing

Devore, Acton & Stafford PA

By:  _____
Troy J. Stafford, Esq.
438 Queens Road
Charlotte, North Carolina 28207
(704) 377-5242

Attorneys for Premium Motorsports LLC

By: _____
Alexander S. Lorenzo, Esq.
90 Park Avenue
New York, New York 10016
(212) 210-9400

Attorneys for NASCAR and ISC

CULLEN AND DYKMAN LLP

By: _____
James G. Ryan, Esq.
100 Quentin Roosevelt Boulevard
Garden City, New York 11530
(516) 357-3750

Attorneys for Chip Ganassi Racing and
Hendrick Motorsports

By Signing this Stipulation, Holland & Hart LLP, hereby authorizes Counsel for Plaintiff to file this Stipulation on behalf of Furniture Row Racing and represent that Furniture Row Racing agrees to all of the terms herein.

SO ORDERED:

Lorna G. Schofield, U.S.D.J.


By: _____
David R. Ordway, Esq.
199 Main Street
PO Box 1179
Saco, Maine 04072
(207) 282-1527
Attorney for Go Fas Racing

Devore, Acton & Stafford PA

By: _____
Troy J. Stafford, Esq.
438 Queens Road
Charlotte, North Carolina 28207
(704) 377-5242

Attorneys for Premium Motorsports LLC

HOLLAND & HART LLP

By: 
Maureen Reidy Witt, Esq.
6380 S. Fiddler's Green Circle, Suite 500
Greenwood Village, Colorado 80111
(303) 290-1629

Attorneys for Furniture Row Racing

xm